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U.S. DISTRICT COURT  
W.D.N.Y. ROCHESTER

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARK A. SWIFT,

Plaintiff,

DECISION AND ORDER  
05-CV-6233L(P)

-VS-

RICHARD C. TWEDDELL, Sheriff;  
DAVID V. COLE, Undersheriff;  
CHRISTOPHER LIAN, Jail Superintendent;  
KEITH L. BARRETT, Captain;  
CHRISTOPHER HAND, Lieutenant;  
Mrs. ROSE, Head Nurse; J. SMITH, Sheriff Deputy;  
V. FANZO, Sheriff Deputy; NADJADI, Sheriff Deputy;  
RODBURN, Sheriff Deputy;  
JOHN DOE, Mental Health (Jail);  
JOHN DOE, Steuben County Mental Health;  
J. OSBORNE, Nurse, Steuben County Jail;  
and KENNEDY, Sheriff Deputy,;

Defendants.

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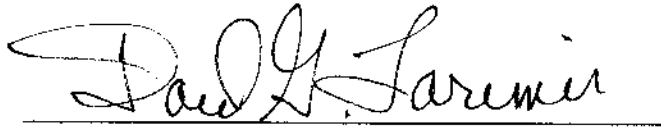
Plaintiff pro se Mark Swift, an inmate of Steuben County Jail, has filed several motions in this matter: a motion for appointment of counsel (Docket # 7), a motion for discovery (Docket # 8), and a motion to direct defendants to answer the petition (Docket # 11). For the following reasons, plaintiff's motions are denied.

With regard to plaintiff's motion for appointment of counsel, there is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). Therefore, plaintiff's motion for appointment of counsel is denied without prejudice at this time.

Plaintiff's motion for discovery is denied as premature, but may be renewed at a later date, once the discovery period has begun. The Clerk Of the Court is directed to forward plaintiff a copy of the Pro Se Litigation Guidelines, which may assist him in litigating and conducting discovery in this matter.

Defendants have now answered the complaint. The motion to direct defendants to answer is denied as moot.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER  
United States District Judge

DATED: October 19, 2005  
Rochester, New York